



We create chemistry

February 4, 2022

Document Processing Desk (AMEND)
Ms. Emily Schmid
Product Management (25)
Registration Division (H-7505C)
Office of Pesticide Programs
U.S. Environmental Protection Agency
2777 S. Crystal Drive
Arlington, VA 22202

**RE: Iowa Supplemental Labeling
Engenia herbicide (EPA Reg. No. 7969-472)**

Dear Ms. Schmid:

BASF is submitting a proposed supplemental label for Engenia herbicide (7969-472) use in the state of Iowa.

BASF is filing this application voluntarily in response to Iowa's request. In doing so, BASF does not concede that Iowa's February 3, 2022 order complies with state or federal pesticide law, including the requirements of Iowa Code section 206.1 *et seq.* and FIFRA § 24(b), and does not waive any of the rights available to it in any forum to seek relief under Iowa law, the Federal Insecticide, Fungicide and Rodenticide Act or any other source of law.

BASF is filing this application voluntarily in response to Iowa's request. In doing so, BASF does not concede that Iowa's February 3, 2022 request complies with state or federal pesticide law, including the requirements of Iowa Code section 206.1 *et seq.* and FIFRA § 24(b), and does not waive any of the rights available to it in any forum to seek relief under Iowa law, the Federal Insecticide, Fungicide and Rodenticide Act or any other source of law.

Also please note that it is BASF's intention **NOT** to incorporate this proposed supplemental label language into the full Engenia Herbicide Master label. The included expiration date of December 20, 2025 will serve to limit the use duration for this supplemental labeling.

Included with the administrative documents are the following:

- EPA Application form 8570-1
- Proposed Engenia herbicide Iowa supplemental label
- Email request from Iowa Department of Agriculture for proposed supplemental labeling

Thank you for your assistance with this matter. If you should have any questions, please feel free to call me at (919) 225-9220

Regards,

A black rectangular box containing the white text "PII", indicating that the signature has been redacted for privacy.

PII

Jeffrey H. Birk, Ph.D.
Regulatory Manager
Phone 919-225-9220
Email: jeffrey.birk@basf.com



We create chemistry

From: Noonan, Maury <Maury.Noonan@Iowaagriculture.gov>
Sent: Thursday, February 3, 2022 9:59 AM
To: Janet Hou <janet.hou@basf.com>
Subject: RE: [EXT] RE: Draft Engenia supplemental label

Janet,

Thank you for the note.

The department has had conversations with several Iowa registrants concerning potential draft dicamba label amendments for submission to EPA. Those conversations stem largely from EPA's release of a summary of Dicamba-Related Incident Reports from the 2021 Growing Season. EPA has referenced an option for states to work cooperatively with registrants and EPA to explore potential dicamba product label amendment submissions under FIFRA Section 3.

In an attempt to reduce the risk of off-site movement of dicamba products, a number of product registrants have explored a June 20th application cutoff date in Iowa. The department supports and recommends this earlier cutoff date. Farmers need continued access to effective crop protection tools to manage weeds. A rise in legal challenges could threaten farmers' long-term access to pesticide products. Many impacted grower associations and registrants have expressed support for a June 20th application cutoff date, and other states have pursued similar abbreviated cutoff dates in recent years.

The department also believes that varying application cutoff dates during the 2022 season could create complexities, challenges, and confusion in the agriculture community. In order to provide clarity and consistency in Iowa, the department would prefer that dicamba products registered in Iowa share a common application cut-off date, preferably June 20th.

Thanks again for the opportunity to review the draft label. Again, the department is willing to participate in any communications with EPA as appropriate.

Maury Noonan